

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Braewood Condominium Association,

Case No: 22-cv-2134

Plaintiff,

v.

General Casualty Company of Wisconsin,

Defendant.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant General Casualty Company of Wisconsin (“GCCW”) hereby gives notice of the removal of the above-captioned action to the United States District Court for the District of Minnesota, and as grounds for removal states:

1. On August 1, 2022, Plaintiff Braewood Condominium Association, (“Plaintiff”) commenced this action by serving GCCW with a Summons and Complaint styled for filing in Minnesota’s Fourth Judicial District, Hennepin County. The Complaint has not been filed.

2. Exhibit 1 includes copies of all process and pleadings served on GCCW.

3. This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it was filed within 30 days after service of the Summons and Complaint on GCCW.

4. Plaintiff is a non-profit common interest community formed under Minnesota law and located in Minneapolis, Minnesota. Plaintiff is therefore a citizen of Minnesota for purposes of diversity jurisdiction.

5. GCCW is a Wisconsin business entity with its principal place of business in New York. GCCW is therefore a citizen of Wisconsin and New York for purposes of diversity jurisdiction.

6. Complete diversity exists because Plaintiff is a citizen of Minnesota and Defendant is a citizen of Wisconsin and New York.

7. Plaintiff's Complaint alleges a jurisdictional amount of damages rather than a specific sum, and seeks nonmonetary relief. (Ex. 1 p. 7 ¶ 15; p. 8 ¶ 1.) Per 28 U.S.C. § 1446(c)(2)(A), it is therefore permissible for this Notice of Removal to assert the amount in controversy.

8. This matter arises from a disputed insurance claim, for which Plaintiff's contractor has submitted a repair estimate totaling \$324,182.

9. The United States District Court for the District of Minnesota has original jurisdiction over this action pursuant to 28 U.S.C. §§ 1332(a)(1) and 1441 because complete diversity exists and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

10. As required by 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will promptly be given to Plaintiff, and a copy of this Notice of Removal will be filed in Hennepin County District Court, Fourth Judicial District.

11. GCCW has filed a Civil Cover Sheet and paid the required filing fee.

12. GCCW has good and sufficient defenses to this action.

13. GCCW makes no admission of liability and expressly reserves the right to raise all defenses and objections to Plaintiff's claims after the action is removed to the

United States District Court for the District of Minnesota, including, without limitation, any objections to the merits and sufficiency of Plaintiff's pleadings.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Zurich hereby demands a jury trial on all issues so triable.

ZELLE LLP

August 31, 2022

/s/ Dennis Anderson

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Attorneys for Defendant

General Casualty Company of Wisconsin

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Notice of Removal was served on all counsel of record on August 31, 2022, in accordance with the Federal Rules of Civil Procedure by emailing a copy to:

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/s/ Dennis Anderson

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